

TITLE 329 SOLID WASTE MANAGEMENT BOARD

IDEM'S SUGGESTED CHANGES TO PROPOSED RULE AT 329 IAC 3.1 CONCERNING TEMPORARY STORAGE AND MANAGEMENT OF SPENT LEAD ACID BATTERIES

LSA Document #09-365

Revisions made by LSA under the Administrative Rules Drafting Manual (IC 4-22-8-4(a)(2)) and incorporated into the printed version of the proposed rule (DIN: 20110420-IR-329090365PRA) have been made in the version of the rule presented to the board for final adoption. These change are NOT included in this list of suggested changes. Page references are to the rule as preliminarily adopted (DIN: 20110420-IR-329090365PRA) with IDEM's Suggested Changes included.

1. Page 2-3 329 IAC 3.1-11.1-1(a): Delete the word **“manufacturers”** and revise and reorganize as follows:

Sec. 1. (a) This rule applies to:

(1) retailers as defined in IC 13-11-2-194(b);

(2) wholesalers as defined in IC 13-11-2-267(b);

~~(3) manufacturers;~~

~~(4)~~ (3) owners or operators of reclamation facilities;

~~(5)~~ (4) owners or operators of intermediate storage facilities; and

~~(6)~~ (5) owners or operators of other storage facilities;

that discard, dispose of, store, or recycle spent lead acid batteries.

2. Page 3 329 IAC 3.1-11.1-2: Delete the definition of **“Battery breaking facility”** and renumber subsequent definitions.
3. Page 3 329 IAC 3.1-11.1-2(c)(2): Delete the words **“plastic battery chips”** and replace with the words **“plastic case material.”**
4. Page 3 329 IAC 3.1-11.1-2(d): Delete the word **“manufacturers”** and remove the subdivision(3).
5. Page 3 329 IAC 3.1-11.1-2: Delete the definition of **“Intermittent storage”** and renumber subsequent definitions.
6. Page 4 329 IAC 3.1-11.1-2: Delete the definition of **“Large quantity storage facility”** and renumber subsequent definitions.

7. Page 4 329 IAC 3.1-11.1-2(f): Delete the words **“Partially reclaimed materials results from the process of:**
 (1) Battery breaking; and
 (2) Component separation;
 which results in components including partially reclaimed lead bearing material known as plates and groups.”
8. Page 4 329 IAC 3.1-11.1-2: Delete the definition of **“Plastic battery chips”** and renumber subsequent definitions.
9. Page 4 329 IAC 3.1-11.1-2(g): Add the word **“spent”** in front of the words **“lead acid battery”** and delete the words **“Because of the concentration of leachable lead contained in them, plates and groups are:**
 (1) Spent material which is solid waste; and
 (2) Hazardous waste (waste code D008).”
10. Page 4 329 IAC 3.1-11.1-2: Delete the definition of **“Reclaimers”** and renumber subsequent definitions.
11. Page 4 329 IAC 3.1-11.1-2(h): Delete the words **“of material from wastes”** replace with the words **“of components from spent lead acid batteries, and includes:**
 (1) Battery breaking facilities engaging in battery breaking or cracking.
 (2) Secondary lead smelters or smelters.”
12. Page 4 329 IAC 3.1-11.1-2(i): Delete the words **“includes both”** and add the words **“means the process of recovering components from spent lead acid batteries and includes, but is not limited to;”** Delete the semi-colon after the word **“smelting”** and add a period. Delete **“of spent lead acid batteries for the purpose of recovering lead and other components”** after the word **“smelting.”**
13. Page 4 329 IAC 3.1-11.1-2: Delete the definition of **“Recycling facility”** and renumber the subsequent definitions.
14. Page 4 329 IAC 3.1-11.1-2: Delete the definition of **“Rubber battery chips”** and renumber the subsequent definitions.
15. Page 5 329 IAC 3.1-11.1-2: Delete the definition of **“Small quantity storage facility”** and renumber the subsequent definitions.

16. Page 5 329 IAC 3.1-11.1-2(j): Delete the words “as a result of contamination.”
17. Page 5 329 IAC 3.1-11.1-2(k): Delete the words “battery breaker or secondary lead smelter, or both,” and replace with the words “reclamation facility.” Delete the words “processing unit” and replace the words “reclamation process.”
18. Page 5 329 IAC 3.1-11.1-2(l): After the renumeralized definition of “Staging” at 329 IAC 3.1-11.1-2(k), add the definition of “‘Storage,’ for purposes of this rule, means the holding of spent lead acid batteries, or components thereof, for a temporary period, at the end of which the batteries or components are treated, disposed of, or stored elsewhere” at 329 IAC 3.1-11.1-2(l).
19. Page 5 329 IAC 3.1-11.1-3: Revise and reorganize as follows:
“Retailers; and wholesalers; ~~and manufacturers~~ that store spent lead acid batteries prior to sending off-site for storage or reclamation must comply with the requirements in IC 13-20-16 and the following:”
20. Page 5-6 329 IAC 3.1-11.1-3(4): Delete the entire subdivision.
21. Page 6-7 329 IAC 3.1-11.1-4: Delete the words “For small quantity storage facilities that do not accumulate more than five thousand (5,000) kilograms of spent lead acid batteries, the following;” and revise and reorganize as follows:

Sec. 4. Intermediate storage facilities shall comply with the following:

- ~~(1) For small quantity storage facilities that do not accumulate more than five thousand (5,000) kilograms of spent lead acid batteries, the following:~~
- ~~(A)~~ **(1) If the a lead acid battery is not in good condition or begins to leak, the owner or operator must transfer the battery to a container that is:**
- ~~(i)~~ **(A) in good condition; and**
- ~~(ii)~~ **(B) chemically compatible with the contents of the battery.**
- ~~(B)~~ **(2) Batteries Spent lead acid batteries must be stored upright and secured to prevent overturning.**
- ~~(C)~~ **(3) Batteries Spent lead acid batteries must be stored in a building with a roof or stored in a covered container that is:**
- ~~(i)~~ **(A) in good condition; and**
- ~~(ii)~~ **(B) chemically compatible with the contents of the battery.**
- ~~(D)~~ **(4) Batteries Spent lead acid batteries may not be stored for more than three hundred sixty-five (365) consecutive days.**
- ~~(E)~~ **(5) Any spilled waste and contaminated equipment must be disposed or recycled in accordance with applicable solid waste rules at 329 IAC 10 and 329 IAC 11 or hazardous waste rules in this article.**

~~(2) For large quantity storage facilities that accumulate more than five thousand (5,000) kilograms of spent lead acid batteries, the following:~~

~~(A) The storage facility owner or operator must notify the commissioner of the location of the storage site.~~

~~(B) If the lead acid battery is not in good condition or begins to leak, the owner or operator must transfer the battery to a container that is:~~

~~(i) in good condition; and~~

~~(ii) chemically compatible with the contents of the battery.~~

~~(C) Batteries must be stored upright and secured to prevent overturning.~~

~~(D) Batteries must be stored in a building with a roof or stored in a covered container that is:~~

~~(i) in good condition; and~~

~~(ii) chemically compatible with the contents of the battery.~~

~~(E) Batteries may not be stored for more than three hundred sixty-five (365) consecutive days.~~

~~(F) Any spilled waste and contaminated equipment must be disposed or recycled in accordance with applicable solid waste rules at [329 IAC 10](#) and [329 IAC 11](#) or hazardous waste rules in this article.~~

22. Page 7 329 IAC 3.1-11.1-4: After the section 329 IAC 3.1-11.1-4 has been revised and reorganized, add the following subdivisions “**329 IAC 3.1-11.1-4(6)**” and “**329 IAC 3.1-11.1-4(7)**”:

“(6) Any spent lead acid battery being discarded shall be sent to:

(A) a RCRA permitted reclamation facility;

(B) a universal waste handler in accordance with 329 IAC 3.1-16; or

(C) a facility collecting batteries for delivery to a recycling facility.

(7) If accumulating more than five thousand (5,000) kilograms or eleven thousand twenty-three (11,023) pounds of spent lead acid batteries at any time, notify the commissioner of the following within thirty (30) days after the effective date of this rule:

(A) location of the storage site.

(B) contact information, including name, address, and phone number.”

23. Page 7 329 IAC 3.1-11.1-5(a): Add the word “**reclamation**” after the words “owners and operators of.”

24. Page 7 329 IAC 3.1-11.1-5: Delete the entire subsection(b) and renumber only subsection “**329 IAC 3.1-11.1-5(c)**” as “**329 IAC 3.1-11.1-5(b)**.”

25. Page 7 329 IAC 3.1-11.1-5(b): Delete the words “**Trailers of incoming.**” Add the words “**that are transported by trailer to reclamation facilities**” after the words “**Whole spent lead acid batteries.**” Add the words “**at the reclamation facility**” after the words “**may be staged.**”

26. Page 8 329 IAC 3.1-11.1-5(b)(1): Delete the words “**source of the leak must be**” and replace with the words “**leaking batteries shall be removed from the trailer and.**”

27. Page 8 329 IAC 3.1-11.1-5: After the section 329 IAC 3.1-11.1-5 has been revised, add the following subsection at 329 IAC 3.1-11.1-5(c):

(c) Owners or operators of reclamation facilities that reclaim spent lead acid batteries, other than spent batteries that are to be regenerated, are subject to the following requirements:

(1) Notification requirements under 329 IAC 3.1-1-11.

(2) Unless an exemption pursuant to 329 IAC 3.1-5-4 referencing 40 CFR 260.30 and 40 CFR 260.31 is granted by the commissioner:

(A) Reclamation facilities shall comply with all applicable generator requirements of 40 CFR 262 for partially reclaimed materials generated on-site or any other waste generated on-site that is hazardous pursuant to 40 CFR 261. Storage of on-site generated waste in piles is prohibited by land disposal restrictions unless stored in compliance with 40 CFR 265 Subpart DD as referenced by 40 CFR 262.

(B) Reclamation facilities shall obtain a permit in accordance with 329 IAC 3.1-13 for greater than 90 day storage of any on-site generated hazardous waste. Storage in piles is prohibited by land disposal restrictions unless stored in compliance with 40 CFR 264 Subpart DD.

(C) Storage of hazardous waste received from off-site requires a permit obtained in accordance with 329 IAC 3.1-13. Storage in piles is prohibited by land disposal restrictions unless stored in compliance with 40 CFR 264 Subpart DD.

(3) Reclamation facilities requiring a permit under 329 IAC 3.1-11.1-5(c)(2) shall submit a permit application in accordance with 329 IAC 3.1-13 within 180 days of the effective date of this rule.

28. Page 8-9 329 IAC 3.1-11.1-5: Delete the entire subsection at “**329 IAC 3.1-11.1-5(d).**”

29. Page 9 329 IAC 3.1-11.1-5: Delete the entire subsection at “**329 IAC 3.1-11.1-5(e).**”

30. Page 9 329 IAC 3.1-11.1-5: Delete the entire subsection at “**329 IAC 3.1-11.1-5(f).**”

31. Page 9 329 IAC 3.1-11.1-6(a): Delete the word “**separated.**”

32. Page 9 329 IAC 3.1-11.1-6(b): Delete the word “**separated.**”

33. Page 10 329 IAC 3.1-11.1-7: Delete the words “**In addition to the closure requirements incorporated by reference in this rule, the following requirements apply**” and replace with the words “**The closure requirements are as follows**”.

34. Page 10 329 IAC 3.1-11.1-7(1): At the end of the subdivision, delete the period and replace with a comma, and add the words **“and corrective action for solid waste management units may be initiated at any time during the life of the facility.”**
35. Page 10 329 IAC 3.1-11.1-7(2): Delete the word **“intermittent”** and replace with the words **“hazardous waste”**. Delete the words **“must remove all waste residues and contamination from the storage area, including residue on equipment, structures, and soil”** and replace with the words **“must comply with 40 CFR 265.111 and 265.114.”**
36. Page 10 329 IAC 3.1-11.1-7: Delete the entire subdivision **“329 IAC 3.1-11.1-7(4).”**